

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NANCY APONTE, et al.,

Plaintiffs,

v.

CLINTON STREET PIZZA INC., et al.,

Defendants.

22 Civ. 3188 (DEH)

ORDER

DALE E. HO, United States District Judge:

On August 18, 2022, Plaintiffs moved for default judgment against Defendants Clinton Street Pizza Inc. and Amadeo Orlando. *See* ECF No. 77. Neither has filed an answer or otherwise appeared in this action. *See* ECF No. 96. The Clerk of Court issued a Clerk's Certificate of Default on November 24, 2021, and September 21, 2022. *See* ECF No. 60, 88. On October 31, 2022, the Court ordered Defendants to show cause why default judgment should be entered against each of them, in writing, by December 16, 2022. *See* ECF No. 89. Neither Defendant responded. Accordingly, on February 7, 2023, the Court granted Plaintiffs' motion for default judgment against the Defendants and referred the matter to Magistrate Judge Moses for an inquest into damages and attorney's fees. *See* ECF No. 96.

On April 4, 2023, Judge Moses issued a scheduling order of the damages inquest. *See* ECF No. 98. Pursuant to that order, Plaintiffs filed their proposed findings of fact and conclusions of law on May 4, 2023. *See* ECF No. 99.¹

¹ This case was reassigned to the undersigned on October 15, 2023. *See* Oct. 15, 2023, Min. Entry.

On July 19, 2024, Judge Moses issued a Report and Recommendation (the “Report”), recommending that the motion for default judgment be granted, in the aggregate amount of \$237,142.00, plus prejudgment interest. *See* ECF No. 105.

Defendants had until August 2, 2024, to file any objections to the Report. *See* Fed. R. Civ. P. 72(b) (giving parties fourteen days to file written objections). No objections were filed.

In reviewing a magistrate judge’s report and recommendation, a district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Kuan v. Notoriety Grp. LLC*, No. 22 Civ. 1583, 2023 WL 3936749, at *1 (S.D.N.Y. June 9, 2023). The Court has reviewed the Report and has found no error, clear or otherwise.

It is hereby **ORDERED** that the Report is **ADOPTED IN FULL**.

The Clerk of Court is respectfully directed to close the case.

Dated: August 13, 2024
New York, New York



DALE E. HO
United States District Judge